

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

AVRA AKAGI SCHER and JOHN  
SOHEI AKAGI,

Plaintiffs,

-v.-

TURIN HOUSING DEVELOPMENT  
FUND COMPANY, INC., *et al.*,

Defendants.

19 Civ. 2089 (KPF)

**ORDER**

KATHERINE POLK FAILLA, District Judge:

The Court is in receipt of counsel Steven Feldman's request, filed on behalf of Plaintiff John Akagi on October 14, 2022 (Dkt. #124), asking that the Court take judicial notice of the power of attorney provided by Mr. Akagi to his daughter, Katherine Akagi. The Court understands that this request was made in the hopes of facilitating cooperation from Mr. Akagi's former counsel, Mark H. Bierman, Esq. of Bierman & Associates, and from Mr. Mark Scher, in his capacity as former trustee and attorney-in-fact for Mr. Akagi.

However, the Court's review of the docket, including Mr. Bierman's repeated representations that the power of attorney has deficiencies under New York law, gives the Court pause. Indeed, Mr. Bierman has noted that despite his continued efforts to obtain a valid power of attorney from Mr. Akagi, he has been unsuccessful. Furthermore, Mr. Bierman alleges that he has been told that the valid power of attorney will not be supplied to him until he turns over documents related to his retainer and other matters to Ms. Akagi.

Mr. Feldman is directed to respond to these questions concerning the validity of Mr. Akagi's power of attorney under New York law, and to present to the Court whatever documentation is necessary for it to be confident that Mr. Akagi's power of attorney to Ms. Akagi is indeed valid under New York law, on or before **November 15, 2022**.

SO ORDERED.

Dated: November 1, 2022  
New York, New York

A handwritten signature in blue ink, reading "Katherine Polk Faila".

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KATHERINE POLK FAILLA  
United States District Judge